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REMARKS

The Examiner has indicated in the office action that claims 10-13 were allowable. Also in the office action, the Examiner mentions, with respect to Claims 14 and 18, that they are in condition for allowance. However, on the Office Action Summary page, the Examiner mentions that claims 14-20 are among those rejected. The Applicant assumes that this is a typographical error and that claims 14-20 are in fact allowed. Consequently, no amendments or further discussion will relate to those claims.

Claims 10 and 11 have been amended to include the limitations of their base claim and any intervening claims and are now believed to be in condition for allowance.

Claims 1-9 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over the Hideharu reference alone or in combination with one or more references. The Examiner mentions a translation in the office action, but failed to include a copy of the same with the office action. The Applicants request that the Examiner include a copy of the translation for our files, along with the Examiner's response to this amendment. The Applicants direct the Examiner's attention to page 2 of the office action, paragraph 2 (b) which states:

"Regarding the limitation of a monitoring microprocessor, Hideharu does not disclose a monitoring microprocessor with an assurance characteristic as being higher than a performance characteristic. However, Hideharu discloses a system that has a controlling processor capable of restarting a

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plurality of processor if a monitoring condition indicates that a fault is present (English Translation, Page 4, first paragraph).

The Examiner interprets the assurance characteristic as being higher than a performance characteristic to be a processing device that processes more data dealing with quality and control data than the processor device processes application data." (Emphasis added.)

This interpretation or assumption made by the Examiner is incorrect. The type of data that is processed by a processor is independent of its assurance characteristic and its performance characteristic. So it is improper for the Examiner to conclude that the control processor in Hideharu, therefore, has the same characteristics as the claimed invention. The only place where there is even any suggestion of an assurance characteristic being higher than a performance characteristic is in the Applicants' own specification. It is improper to merely lift these notions from the Applicants' own invention.

Claims 2-9 all depend from claim 1, and all of the other cited references do not address this shortcoming in Hideharu. Consequently, the Applicants respectfully assert that the Hideharu reference alone and in combination with the other cited references, therefore, fail to establish a *prima facie* case of obviousness with respect to claims 1-9.

With respect to claims 5 and 6, the Applicants further state that Hideharu in view of McElreath does not establish a *prima facie* case of obviousness. The Examiner


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opines that it would be obvious to one skilled in the art to get FAA certification on equipment on-board an aircraft. We agree. However, this begs the real question. Hideharu and McElreath fail to establish a *prima facie* case of obviousness because there is nothing in either of these references which suggests that the claimed invention (absent the certification limitations) would ever be used in an aviation environment where extremely strict scrutiny is applied to all integrity issues. It is circular reasoning to combine the claimed elements and then say it is obvious to get FAA certification, when an inventive step occurs before this point where it is determined to utilize this type of technology in a highly regulated aviation environment.

Consequently, the Applicants respectfully request that the Examiner reconsider the rejection of claims 1-9.

In view of the amendments and the above arguments, the Applicants believe that it should now be clear that the application, as amended, is in condition for allowance, and early notification of the same would be much appreciated.

Respectfully submitted,


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